

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. A-11-CR-360-(10)-SS
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)
ARNULFO PEREZ-TORRES)
)

FACTUAL BASIS

Had this matter proceeded to trial, the United States Attorney was prepared to prove the following facts beyond a reasonable doubt:

From April, 2009, to July 14, 2011, the FBI gang task force has been investigating members and associates of the Texas Mexican Mafia located in Austin, Texas and the surrounding counties. This investigation employed the use of multiple surveillances of TMM members, multiple search warrants on the residences and/or stash houses of TMM members, multiple pen registers as well as multiple wiretaps which captured thousands of phone calls between TMM members and others, including ARNULFO PEREZ-TORRES. Throughout the investigation the task force has been able to debrief a number of cooperators in Austin and other cities. Through the combination of all of these efforts the task force has documented that the indicted co-conspirators have conspired to possess with intent to distribute well in excess of five kilograms of cocaine during the time period from April, 2009 to July 14, 2011.

More specifically, in August, 2009, law enforcement surveillance officers observed Ruben Flores discard a bag of trash in a dumpster and they were able to retrieve it. In the bag they found drug notes including ROMO 10500, MOE 9000 (the street name for ARNULFO PEREZ-TORRES),

D 17000, TAZ 9000, SLAYER 25200, 10800 SHADOW - 5000, DANNY B 17000, SONNY 4250, as well as some other names with a total of 89300 (\$89,300). These prices were consistent with previous cocaine prices, including \$9,000-\$10,500 for a half kilo, and \$17,000 for a full kilo. Law enforcement obtained the authorization for multiple pen registers in 2010 which revealed that ARNULFO PEREZ-TORRES had over 500 telephone contacts with his indicted co-conspirators, including Ruben Flores (21 contacts), David Romo (over 100 contacts), Eloy Davila (74 contacts), David Samarripa (149 contacts), Nickolas Estrada (30 contacts), Ernest Lopez (6 contacts), Domingo Mendieta (9 contacts), and Michael Morin (146 contacts). Wire interceptions revealed that on August 19, 2010, co-defendant Samarripa gave ARNULFO PEREZ-TORRES' phone number to co-defendant Davila for cocaine deals. A number of cocaine transactions involving the Defendant were thereafter intercepted over the wiretap.

On August 26, 2010, TMM members Paul Rodriguez and Danny Vallejo were arrested in possession of marijuana, an SKS assault rife, a sledge hammer, a Hi-Point .40 caliber handgun with a full magazine, three scales, heat sealed bags, glass pipes, \$7,146, a small bag of cocaine and MDMA tablets. Both Vallejo's and Rodriguez' phone were seized and they were both found to contain ARNULFO PEREZ-TORRES' phone number/name. Seven of the other co-defendants were also found in the contacts of one or both phones.

In September, 2010, ARNULFO PEREZ-TORRES hosted a TMM meeting at which David Romo was demoted. The Defendant also attended a meeting on May 11, 2011 at co-defendant Samarripa's residence for the demotion of David Torres over a \$17,000 drug debt that Torres owed to the TMM. On June 16, 2011, co-defendant Samarripa dropped off drugs at the Defendant's

residence. In addition, ARNULFO PEREZ-TORRES was observed by law enforcement on June 20, 2011 attending a TMM meeting at co-defendant Zuniga's residence.

Multiple search warrants as well as consent searches of members of this conspiracy were conducted on July 14, 2011. Paperwork was located at several locations which included the name "MO" or "Moe" along with several other co-defendants with numbers to the side of the names. There was also what appeared to be a sign in sheet which contained the name Arnulfo Perez, his a.k.a. listed as "MOE," and his accurate date of birth. The same type of information was also listed for co-defendants Ruben Flores, David Torres, David Romo, David Samarripa, Domingo Mendieta, Nick Estrada, and Mike Martinez. In addition to paperwork, law enforcement officers located numerous guns at different defendants' residences, including the residences of Michael Morin, David Torres, David Romo, Michael Martinez, Edward Zuniga, Domingo Mendieta, Luis Salazar, and Ernest Lopez. Heroin and cocaine were seized from other residences. Over a kilo of heroin was seized from Ruben Flores' house and about 8.81 grams of cocaine. Over 467 grams of cocaine was seized from ARNULFO PEREZ-TORRES' residence. Over 98 grams of heroin was found at a residence associated with Michael and Crystal Morin. Smaller quantities of drugs were seized at other co-defendants' residences.

This one day seizure on July 14, 2011, was conducted randomly (without the assistance of a wiretap so that law enforcement had no way of knowing if the search day was a good day to locate drugs in the co-defendants' possession). Despite the fact that the searches were conducted without the benefit of an ongoing wiretap, and covered only one day, the size of these seizures helps document the scope of the conspiracy over a two year time period. The wiretap demonstrates multiple other acts of drug-trafficking. David Romo, for example, was intercepted on a San Antonio

wire in January, 2011, discussing with “Big O” cocaine that could be obtained in San Antonio and brought back to Austin. In the conversations on January 6-7, 2011, “Big O” told Romo that the kilo price for cocaine was 25-26 (\$25,000 to \$26,000). Romo asked if the price would be lower for 3 kilos. Big O did not offer a lower price but said there were 9 big ones and that there is cocaine, and coffee (heroin). On January 8, 2011, Romo indicated if “we” have to go there to get the cocaine that it might just be for a half (half a kilo) but if the cocaine would come to him then it could be 3, 4, or 5 (kilos). The wiretaps combined with cooperator information has revealed that ARNULFO PEREZ-TORRES sells illegal drugs with co-defendants Samarripa and Romo.

This is just a small summary of the evidence that would be presented at trial to demonstrate that there was a conspiracy, that the Defendant was part of this conspiracy, and that the members of this conspiracy distributed well in excess of five kilograms of cocaine among other controlled substances. A full trial would provide more extensive information regarding the pen registers, the large number of law enforcement surveillances of the co-conspirators, the role/rank of the Defendant, a more complete recitation of intercepted phone calls, more extensive information regarding the evidence uncovered during the search warrants, etc. At trial or sentencing the United States would establish proof that Mr. ARNULFO PEREZ-TORRES committed this offense after a prior conviction for a felony drug offense had become final.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on the 6th day of September, 2011, I electronically filed the forgoing with the Clerk of the court using the CM/ECF system which will send notification of such filing to the following attorney of record:

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